

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Jean-Marie GOUOT et al.

Confirmation No.: 7220

Serial No.: 10/588,360

Group Art Unit: 1616

Filed: October 10, 2006

Examiner: Pak, J. D.

For: FUNGICIDAL COMPOSITIONS COMPRISING A PYRIDYLETHYLBENZAMIDE
DERIVATIVE AND A COMPOUND CAPABLE OF INHIBITING THE METHIONINE
BIOSYNTHESIS

CORRECTED
TERMINAL DISCLAIMER

Mail Stop - Amendment
Commissioner of Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

This terminal disclaimer is submitted under Rule 321(c) to obviate a non-statutory double-patenting rejection over a patent. This document is filed in response to an Office Actions of November 2, 2010, and May 10, 2011, in reference to the above-identified patent application.

The Official Fee of \$140 for a terminal disclaimer for a large entity under 37 C.F.R. § 1.20(d) was previously paid on January 10, 2011. The additional \$20 difference between the original payment and the new fee of \$160 can be charged to Deposit Account Number 15-0700.

The owner, BAYER CROPSOURCE AG, of 100 percent interest in the instant application disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory

Application No. 10/588,360
TERMINAL DISCLAIMER

term prior Patent No. 7,776,892 as the term of said prior patent is defined in 35 U.S.C. §§ 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors, or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term, as defined in 35 U.S.C. §§ 154 and 173, of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

- (1) expires for failure to pay a maintenance fee;
- (2) is held unenforceable;
- (3) is found invalid by a court of competent jurisdiction;
- (4) is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321;
- (5) has all claims canceled by a reexamination certificate;
- (6) is reissued; or
- (7) is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Application No. 10/588,360
TERMINAL DISCLAIMER

This submission is on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.). The undersigned is empowered to act on behalf of the business/organization.

I am authorized to sign on behalf of BAYER CROPSOURCE AG. I am an attorney of record.

The assignment for the instant application is recorded on Reel 025161 at Frame 0521.

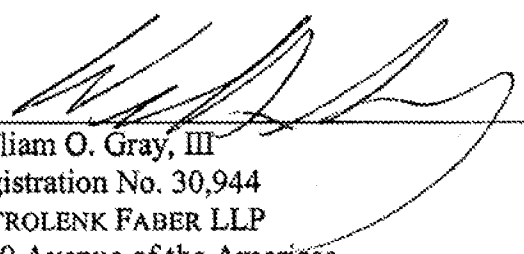
The assignment for U.S. Patent Number 7,776,892 is recorded on Reel 025161 at Frame 0521.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that any such willful false statement may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

Date:

January 19, 2012



William O. Gray, III
Registration No. 30,944
OSTROLENK FABER LLP
1180 Avenue of the Americas
New York, New York 10036-8403
Telephone (212) 382-0700